

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

BILLIE JOE CHAPMAN,

Petitioner,

V.

JERRY WARDLOW,

Respondent.

No. 1:22-cv-01203-STA-jay

ORDER DIRECTING PETITIONER TO FILE AMENDED PETITION,
DENYING MOTIONS WITHOUT PREJUDICE,
AND
DIRECTING CLERK TO SEND FORM

Petitioner Billie Joe Chapman has filed a *pro se* habeas corpus petition (the “Petition”) pursuant to 28 U.S.C. § 2254. (ECF No. 1.) The Petition is before the Court for preliminary review. *See Rules Governing Section 2254 Cases in the United States District Courts* (“Habeas Rules”), Rule 4. Also before the Court are Petitioner’s numerous motions, including several motions for appointment of counsel, an evidentiary hearing, and a preliminary injunction. (ECF No. 3, 8, 10, 12-20, 22-24, 26-28.)¹

A § 2254 petition “must substantially follow either the form appended to [the Habeas Rules] or a form prescribed by a local district-court rule.” Habeas Rule 2(d). This district uses the form promulgated by the Administrative Office of the United States Courts. Petitioner did not

¹ The Clerk is **DIRECTED** to modify the docket to reflect Jerry Wardlow as Respondent. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004); Fed. R. Civ. P. 25(d).

use the official form, and, thus, did not provide certain information that is relevant to the preliminary review. In particular, it is unclear from the Petition whether Chapman is challenging the same conviction that forms the basis for his prior-filed, still-pending § 2254 petition in *Chapman v. Slatery, III*, No. 1:20-cv-01139-STA-jay (W.D. Tenn.). Therefore, Petitioner is **ORDERED** to file an amended petition on the official form within twenty-eight (28) days of the entry date of this order. If Petitioner needs additional time to comply with this order, he may file a motion seeking an extension of time on or before the due date for his submission.

Because the numerous pending motions are premature, they are **DENIED** without prejudice to refile should the amended petition, if filed, survive preliminary review.

Failure to comply with any requirement of this order in a timely manner will, without further notice, result in dismissal of this action without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

The Clerk is **DIRECTED** to mail Petitioner the official § 2254 habeas corpus form.

IT IS SO ORDERED.

s/ **S. Thomas Anderson**
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: March 31, 2023